

**RECEIVED**

JAN - 7 2018

U.S. DISTRICT COURT  
EASTERN DISTRICT OF MO  
ST. LOUIS**IN THE CIRCUIT COURT OF THE COUNTY OF ST. LOUIS  
STATE OF MISSOURI****DR. PATT MCGUIRE****Plaintiff,****v.****Cynthia Lou Hoemann, Priscilla F. Gunn,  
Veritext Legal Solutions, St. Louis County****Defendants****) Complaint****) Civil Action No. 4:17-02818****) (Additional charges to current case)****I. JURISDICTION & VENUE (B)**

1. This is a criminal/civil action authorized by Section 575.100 Tampering with physical evidence secured by the 2013 Missouri Revised Statutes, 14<sup>th</sup> Amendment, 42 U.S.C. Section 1983 to redress the deprivation, under color of state law, of rights secured by the Constitution of the United States. This court has jurisdiction because Missouri circuit courts are courts of original civil and criminal jurisdiction. The court has jurisdiction under 28 U.S. Code § 1332(a) – Diversity of citizenship; amount in controversy; costs - “The district courts shall have original jurisdiction of all civil actions where there matter in controversy exceeds the sum of value of \$ 75,000, exclusive of interest and costs,…” Plaintiff seeks declaratory judgment pursuant to Rule 57 Declaratory Judgment – under 28 U.S.C. 2201. Rules 38 and 39 govern a demand for a jury trial. Plaintiff seeks declaratory relief pursuant to 28 U.S.C. Section 2201 and 2202. Plaintiff’s claims for punitive damages are authorized by F.R.C.P 8(a). Plaintiff’s claims for damages and losses are authorized by F.R.C.P. 9(b).

2. The Circuit Court of the County of St. Louis State of Missouri is the appropriate venue under 28 U.S.C. Section 1391 (b)(2) because it is where the events giving rise to this claim occurred.

**II. PLAINTIFF (C)**

3. Plaintiff, Dr. Patt McGuire, is and was at all times mentioned herein a resident of the State of Missouri, the Plaintiff in the employment discrimination case the deposition was being taken for. She is currently the Plaintiff in this case in St. Louis, Missouri.

### III.DEFENDANTS (D)

4. Defendant, Cynthia Lou Hoemann, is the Assistant County Counsel of the St. Louis County. She is legally responsible for representing St. Louis County in legal matters under its jurisdiction.

5. Defendant, Priscilla F. Gunn, is the Assistant County Counsel of the St. Louis County. She is legally responsible for representing St. Louis County in legal matters under its jurisdiction.

6. Defendant, Veritext Legal Solutions, is the litigation services St. Louis County used to facilitate the depositions on the Plaintiff, Dr. Patt McGuire. They were legally responsible for conducting St. Louis County's legal matters related to assigned depositions to them for the appointed time.

7. Defendant, St. Louis County-Genevieve Frank, is the employer of the Plaintiff. They are legally responsible for representing themselves in legal matters under its jurisdiction.

8. Each defendant is sued individually and in her/its official capacity. At all times mentioned in this complaint each defendant acted under the color of state law.

### IV.FACTS (E)

9. Section 11-16 are to serve as the "short and plain statement" requirement of the F.R.C.P Rule 8.

10. Per Presiding Honorable Judge Catherine D. Perry, United States District Judge, in her MEMORANDUM AND ORDER, dated November 26, 2018, "...Defendants may take an additional seven hours of deposition of plaintiff..." Both the Plaintiff and Defendants counsels agreed to meet December 17, 2018 at 9:00 a.m. at their office, 41 S. Central Avenue, St. Louis, MO 63105. The deposition began on time at 9:00 a.m. Present at the deposition were the following person(s): Cynthia Lou Hoemann (Assistant County Counsel for St. Louis County), Priscilla F. Gunn (Assistant County Counsel for St. Louis County), Cheryl Campbell (Defendant in Plaintiff's employment discrimination case), and Jeanne Pedrotty (Veritext Legal Solution's court reporter).

11. During the deposition which was being conducted by Cynthia Lou Hoemann and assisted by Priscilla F. Gunn four (4) documents were presented to the Plaintiff, Dr. Patt McGuire, exhibit #28, #29, #16, and #24. Two (2) were new documents which means they were not used in the June 25, 2018 deposition. They were the Memorandum and Order dated November 26, 2018 and Plaintiff's Amended Petition (Complaint and Exhibits – Permission Granted by the Judge Kristine Allen Farr date December 8, 2017. The other two (2) were used during a deposition conducted on Dr. McGuire back on June 25, 2018 by Cynthia Lou Hoemann and Priscilla D. Gunn (Assistant Counsels for St. Louis County). They were Dr. McGuire's 2017 Performance Evaluation and a letter addressed to Kelly Landaker signed by Dr. McGuire.

12. Immediately, Dr. McGuire noticed that document # 24 was not a copy of her original letter presented to Kelly Landaker nor was it a copy of the original letter submitted as evidence to the counsels of her employment discrimination case. Immediately after take note of this, Dr. McGuire requested ten (10) minutes to verify the document handed to her by Cynthia Lou Hoemann. Both she and Priscilla F. Gunn agreed to the requested time and they left out of the

room to grant Dr. McGuire time requested. However, four (4) minutes into the requested time both counsels and Cheryl Campbell interrupted Dr. McGuire with dialogue of distraction and rudeness. Dr. McGuire objected to the interruption, detracting and rudeness dialogue. Dr. McGuire requested to go back on record because the behavior from both counsels was sudden, baseless, and suspicious. The transcript will show Dr. McGuire's objection and position. The actual document presented to Dr. McGuire was not preserved by Veritext's court reporter. The actual document has been compromised due to the flawed policy and procedure of Veritext. Their client, St. Louis County was able to remove a "tangible" piece of evidence without any checks and balances from Veritext. The plaintiff relied on Veritext's policy and procedure to protect her from tampering of physical evidence from beginning to ending of the deposition on December 17, 2018. When Dr. McGuire went to review the transcript and the four exhibits used in her deposition, she was faced with an incomplete review. Exhibit #16 and # 24 were missing and that was violation of plaintiff's rights and constituted a due process, equal protection, and deprive of person of life, liberty, or property under the fourteenth amendment to the United States Constitution.

13. Dr. Patt McGuire went into Veritext Legal Solutions on December 21, 2018 to read, sign, and make corrections, if needed, the deposition transcript for December 17, 2018 deposition on Dr. McGuire. A letter from Veritext Legal Solutions was post marked on December 20, 2018, requesting Dr. McGuire to call their office to make arrangements. (SEE EXHIBIT "A")

14. Pat Loud, the receptionist, greeted Dr. Patt McGuire upon arrival. She then called for Mary Gaal, Office Manager, when Dr. McGuire requested to have all four (4) exhibits presented (exhibits 28, 29, 16, and 24) to Dr. McGuire in the deposition on December 17, 2018 because she was only able to see two (2) documents attached to the transcript of Dr. McGuire's December 17, 2018 deposition. It was at that time Dr. McGuire requested for the second time to see all four documents. Pat Loud rechecked and discovered that only exhibit 28 and 29 were scanned in with the transcript. She did look through the transcript and found out there were two other exhibits noted in the transcript but not scanned in. By this time, Mary Gaal made over to the front desk to assist with Dr. McGuire's request. Mary Gaal then reviewed the transcript of December 17, 2018 and confirmed that four (4) exhibits were used during the December 17, 2018 deposition. Mary Gaal asked Dr. McGuire to allow her some time to look into why only two (2) of the four (4) exhibits were not scanned in with the transcript. Latter, Mary Gaal came into the room when Dr. McGuire was looking over the December 17, 2018 deposition. Mary Gaal began to explain to Dr. McGuire why there were only two (2) documents scanned in with the deposition for December 17, 2018.

15. Mary Gaal stated to Dr. Patt McGuire that it is the policy of her company to not keep any exhibits "referred" to from any previous deposition. Dr. McGuire asked her for a copy of her company's policy that states that after she verbally explained her company's policy. However, she never produced a copy of her company's policy. See the following exhibits pulled my Dr. McGuire on January 5, 2018 from Veritext Legal Solutions website on their policy for the services they provide for Documentation and Exhibits. If Dr. McGuire is able to get an official copy of their policy on these topics, she will file it with the circuit court of St. Louis County. See the following exhibits:

B. Exhibit Solutions



- C. ACT Advance Case Exhibits
- D. Loading Potential Files & Exhibits (Exhibit Share Tutorial)
- E. Exhibit Solutions Capture from Our Court Reporter Company (Preserve a Witness's Mouse Actions and Keystrokes with video)
- F. Deposition Services

“Upon information and belief” I believe the defendants premeditated a plan to present tampered with physical documentation to me because they did not expect me to bring my original document with me to the deposition. “Upon information and belief” that is why Cynthia Lou Hoemann asked me about three (3) times after she interrupted my requested ten (10) minutes. “Upon information and belief” this is why neither of the counsels waited to review the documents before ending the deposition. “Upon information and belief” I believe after they presented the tampered physical evidence to me and left out of the room, they came up with the plan after they left the room to enter back into the room before the end of the requested time by the plaintiff to retrieve the fake document and discard of it. “Upon information and belief” the defendants counsels took drastic steps by ending the deposition early, at 10:32 a.m., because they knew they had violated the plaintiff's Constitutional, statutory rights and the law. “Upon information and belief” I believe that Veritext's policy and procedure of deposition is flawed and it opened the door to the violations committed against the Plaintiff.

#### V.LEGAL CLAIM (G)

- 16. Plaintiff reallege and incorporated by reference paragraphs 1-15.
- 17. The 575.100 - Tampering with physical evidence – penalties violated plaintiff Dr. Patt McGuire's right and constituted a due process violation, equal protection, and deprive of life, liberty, or property under the fourteenth amendment to the United States Constitution.
- 18. The plaintiff has no plain, adequate or complete remedy at law to redress the wrongs described herein. Plaintiff has been and will continue to be irreparably injured by the conduct of the defendants unless this court grant the declaratory relief with plaintiff is seeks.

#### VI.PRAYER FOR RELIEF (H)

WHEREFORE, plaintiff respectfully prays that this court enter judgment granting plaintiff:

- 19. A declaration that the acts and omissions described herein violated plaintiff's right under the Constitution, statutory rights, and law of the United States.
- 20. Punitive damages in the amount of \$2 Million (total of \$8 Million) against each defendant.
- 21. Damages
- 22. Loss
- 23. A jury trial on all issues triable by jury.

24. Plaintiff's costs in this suit.
25. Any additional relief this court deems just, proper, and equitable.

Dated: \_\_\_\_\_

Respectfully submitted,

Dr. Patt McGuire  
10164 Ventura Dr.  
St. Louis, MO 63136

#### **VERIFICATION (J)**

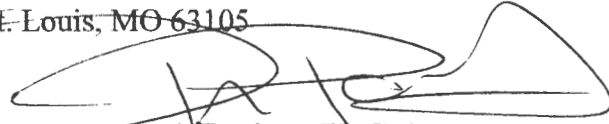
I have read the foregoing complaint and hereby verify that the matters alleged therein are true, except as to matters alleged on information and belief. And, as to those, I believe them to be true. I certify under penalty of perjury that the foregoing is true and correct.

Executed at St. Louis, MO on January 5, 2018

Dr. Patt McGuire

Cynthia Lou Hoemann  
Assistant County Counsel  
41 S. Central Ave.  
St. Louis, MO 63101  
Priscilla F. Gunn  
Assistant County Counsel  
41 S. Central Ave.  
9<sup>th</sup> Floor

St. Louis, MO 63105  
Veritext Legal Solutions  
1100 Superior Ave  
Suite 1820  
Cleveland, Ohio 44114  
St. Louis County – Genevieve Frank  
41 S. Central Ave  
9<sup>th</sup> Floor  
~~St. Louis, MO 63105~~

A handwritten signature in black ink, appearing to read 'Patt McGuire', with a large loop at the end.

/s/Dr. Patt McGuire  
**Dr. Patt McGuire**

A

Veritext Legal Solutions  
1100 Superior Ave  
Suite 1820  
Cleveland, Ohio 44114  
Phone: 216-523-1313

To: Dr. Patt McGuire  
10164 Ventura Ave, St. Louis, MO 63136

Case Name: Dr. Patt McGuire v. St. Louis County, Et Al

Veritext Reference Number: 3150550

Witness: Dr. Patt McGuire , Vol II                      Deposition Date:  
12/17/2018

Dear Sir/Madam:

The deposition transcript taken in the above-referenced matter, with the reading and signing having not been expressly waived, has been completed and is available for review and signature. Please call our office to make arrangements for a convenient location to accomplish this or if you prefer a certified transcript can be purchased.

If the errata is not returned within thirty days of your receipt of this letter, the reading and signing will be deemed waived.

Sincerely,

Production Department

NO NOTARY REQUIRED IN CA

Veritext Legal Solutions

www.veritext.com

888-391-3376



**Access MyVeritext Client Portal**

Username

**Password**

Log in

## EXHIBIT SOLUTIONS



## EXHIBIT CAPTURE

Display electronic documents to a witness during a deposition and record mouse movements and keystrokes on the computer in realtime. Create a video file of the witness's manipulation of the computer screen. Capture mouse movements, inter-cell calculations, drop-downs and formulas within spreadsheets. Synchronize the file to the transcript, display in a stand-alone viewer or view using standard presentation software. Useful for all types of Native Evidence such as Java, Source Code, CAD files, Google Earth Fly-Ins, and all Native Medical Evidence.

[Read More](#)





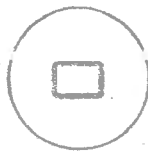
[View more Exhibit Capture Examples](#)

## ACE (ADVANCED CASE EXHIBITS)

*Gain a single package of all of your case exhibits*

Advanced Case Exhibits (ACE) is a single package containing all of your exhibits for a case. Exhibits are organized chronologically with a descriptive index rolled up into a handy PDF, hyperlinked and searchable by keyword. Portable and accessible from any computer, tablet or mobile device – ACE is an excellent tool for any multi-party case.

[Read More](#)

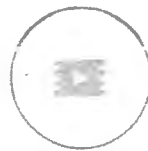


## PAPERLESS EXHIBITS

*Seamless electronic exhibit management in realtime.*

A secure Internet-based method of marking, viewing and maintaining exhibits electronically. Simply upload all potential exhibits from your computer, or directly from Relativity®. Replace boxes and binders of exhibits and carry just your laptop or iPad to your deposition, arbitration or hearing.

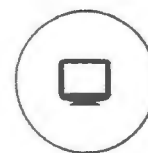
[Read More](#)



## VIDEO EXHIBITS

*Turn-key production of video exhibits*

Prepare powerful exhibits such as event reconstructions, day-in-the-life video recordings, site inspections, and other vehicles to support your case. Our professional video staff is experienced in the preparation of videos suitable for litigation, and maintains the most comprehensive production and editing facilities in the industry. We can edit what you already have or start from scratch beginning with our own staff and vision.



## MULTIMEDIA POWER DEPOSITIONS

Veritext Multimedia Deposition offers a powerful and integrated set of multimedia exhibit tools to engage viewers and present the story of your case more effectively. Using picture-in-



picture technology to display exhibits simultaneously with the deponent, powerful courtroom-ready video can be created showing deponent reaction to exhibits or to mark or point to key areas of each exhibit displayed. Exhibits are managed through a central console and can be displayed throughout the deposition room as well as to remote participants.

[Read More](#)

---

[Veritext Legal Solutions](#) [Disclaimer](#) [Top Washington DC SEO Company](#) [Legal Services](#)  
[Corporate Court Reporting Services](#) [Court Reporter New York](#) [Legal Videographers](#) [San Francisco Court Reporters](#)  
[Deposition Services](#)

C

## THINK OUTSIDE THE BANKERS BOX.

Advanced Case Exhibits (ACE) is a single package containing all of your case exhibits. Exhibits are organized chronologically with a descriptive index and rolled up into a handy PDF, hyperlinked, OCR'd and searchable by keyword. Its PDF format makes it easily accessible from any computer, tablet, or mobile device so you can finally leave those Bankers Boxes at the office.



ALL-IN-ONE EXHIBIT PACKAGE



PORTABLE AND ACCESSIBLE FROM ANY COMPUTER, TABLET OR MOBILE DEVICE



HYPERLINKED MASTER EXHIBIT INDEX - OCR'D AND SEARCHABLE BY KEYWORD



SECURE DOWNLOAD LINK EMAILED AFTER EVERY UPDATE



EXHIBIT NUMBERING FINALLY UNDER CONTROL

**ADD ACE TO YOUR NEXT CASE!**

---

© Copyright - [Veritext Legal Solutions](#) | [Disclaimer](#) | Powered By [Top Washington DC SEO Company](#) for [Legal Services](#)  
[Corporate Court Reporting Services](#) | [Court Reporter New York](#) | [Legal Videographers](#) | [San Francisco Court Reporters](#) |  
[Deposition Services](#)



Access MyVeritext Client Portal

Username

Password

Log in

D

## LOADING POTENTIAL FILES & EXHIBITS

Exhibit Share Tutorial





## OTHER EXHIBIT SHARE TUTORIALS



AUGUST 16, 2017

**At the Depo (For The Court Reporter)**

AUGUST 16, 2017

**At the Depo (For The Witness)**

AUGUST 16, 2017

**At the Depo (For Participating Parties)**

AUGUST 16, 2017

**At the Depo (For The Taking Attorney)**

AUGUST 16, 2017

**Loading Potential Files & Exhibits**

AUGUST 14, 2017

**Setting up an Account**

---

© Copyright - [Veritext Legal Solutions](#) | [Disclaimer](#) | Powered By [Top Washington DC SEO Company](#) for [Legal Services](#)  
[Corporate Court Reporting Services](#) | [Court Reporter New York](#) | [Legal Videographers](#) | [San Francisco Court Reporters](#) |  
[Deposition Services](#)

202-857-8376



E

## EXHIBIT SOLUTIONS

### PRESERVE A WITNESS'S MOUSE ACTIONS AND KEYSTROKES WITH VIDEO

Capital Reporting Company Native Capture service enables attorneys to display electronic documents to a witness during a deposition and record mouse movements and keystrokes on the computer screen in realtime.

- Video- Create a video file of the witness's manipulation of the computer screen
- Capture- Capture mouse movements, inter-cell calculations, drop-downs and formulas within spreadsheets
- Sync- Synchronize file to the transcript, display in a stand-alone viewer or view using standard trial presentation software
- Images- Produce high-quality images instead of externally videotaping a computer screen
- Cohesive Evidence- Useful for all types of Native Evidence such as Java, Source Code, CAD files,
- Google Earth Fly-ins, and all Native Medical Evidence
- Video Synchronization- Couple with videography to capture the witness's reactions as they click
- Paperless Exhibits- Seamless electronic exhibit management in realtime.
- Video Exhibits- Turn-key production of video exhibits
- XMS (Exhibit Management Solutions)- Organize, present, and store exhibits electronically

Contact your local sales representative to receive a demonstration or schedule your next deposition with Native Capture! Capital Reporting Company provides superior court reporting and litigation services to the legal industry. With a proven track record of industry excellence, Capital Reporting Company is the

established leader in providing technology-driven deposition and litigation support services to law firms and corporations. For more information, go to [www.capitalreportingcompany.com](http://www.capitalreportingcompany.com) or click the videos below!

[Learn More](#)

---

---

© Copyright 2016 Capital Reporting Company - All Rights Reserved | Powered By: [Matador Solutions](#)

No Advice Intended. This website includes general information, which should not be considered advice. Information found on this site may not reflect current standards for the field of practice discussed herein. For specific advice related to your needs, contact a licensed, practicing specialist. Do not rely on any statements contained herein. Furthermore, you should recognize that websites for legal, medical, therapeutic, accounting, and other related specialties may have information which is very technical in nature. You should seek out the advice and counsel of a specialist if you are in need, and not solely rely on any information contained herein.

#### Other Resources

American Bar Association | The American Lawyer | National Lawyers Association | Lawyers Without Borders | American College of Trial Lawyers | American Bar Association | National Association of Women Lawyers | Lawyers Associated Worldwide | [DC Personal Injury Attorney](#) | [Car Accident Lawyer DC](#) | [Washington DC Auto Accident Lawyer](#)



Access MyVeritext Client Portal

Username

Password

Log in

F

DEPOSITION SERVICES



## VERITEXT LEGAL SOLUTIONS DEPOSITION SERVICES

When you need to find the best deposition services, it is imperative to find a deposition provider who can give you a variety of different services to fit your needs — all while ensuring timeliness and accuracy. At Veritext, we believe that our clients deserve to have the best possible services that can be customized to fit their exact needs.

We understand that there are many factors at play when it comes to handling depositions. You need to have transcripts that are available quickly, but you also need to make sure that the transcripts are written with as much accuracy as possible. You'll want to have secure platforms for sending documents that contain personal information, possibly including medical and financial information, but you also need to be able to find records of your documents easily, and share them with members of your team virtually.

When you choose to work with the network of court reporters and transcriptionists at Veritext, here are just a few of the most essential depositions services that you'll have access to:

**Court Reporting:** Our court reporter services are as varied and flexible as the testimonies themselves. We understand that it takes a lot of practice and skill to be a great court reporter, and our network of reporters is undoubtedly some of the most talented around. We can provide both national and international reporting coverage through the network of dedicated court reporters and with the



assistance of our certified partner organizations. No matter where a testimony takes place, you can be sure that you're receiving the most accurate transcription.

**Real-Time Deposition Transcripts:** With real-time transcription services, you'll have access to the deposition transcript while the testimony is ongoing and you'll also be able to leave the testimony with a rough draft copy in hand. This is one of the most beneficial depositions services we provide here at Veritext because, as you probably already know, some legal procedures simply can't be put on hold until a complete and polished transcript is available. Of course, you'll also have access to the final copy once it's complete!

**Conference Centers:** Our team of IT experts has made sure that court reporting services aren't the only depositions services that Veritext clients know and love. Our high-tech conference centers come equipped with features like videography, transcript synchronization, and secure platforms for sending and receiving sensitive documents. Our technicians are on-site to help you set everything up and to provide ongoing tech support, administrative support, and even food and beverages for your team.

**Remote Deposition Recording:** Our state-of-the-art technology allows many parties to attend the same deposition without actually being present in the same place. Using webcams desktop computers and mobile devices, individuals can "attend" a deposition virtually through our digital meeting room. Up to 100 participants can be included in the same deposition at once.

## CONTACT US FOR DEPOSITION SERVICES

For more information about our services, [contact Veritext](#) via phone at 800-567-8658, or visit us online. We're positive that when you start using our depositions services, you won't want to work with any other deposition transcript provider.

Veritext Legal Solutions

**Rating:** 5 / 5 stars

Rated By Google User

*Quality court reporting services.*